

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT

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|----------------------------|---|------------------|
| NORMA BECK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:12CV10 TIA |
| |) | |
| BANK OF AMERICA, N.A., and |) | |
| BRIAN MOYNIHAN, |) | |
| |) | |
| Defendant. |) | |

ORDER

This matter is before the Court on Plaintiff's Motion for Leave to File New and Material Evidence (Doc. #22). The case was assigned to the undersigned Magistrate Judge pursuant to E.D. Mo. L.R. 2.08.

Plaintiff filed a pro se complaint in federal court on January 3, 2012, alleging violations of the Truth in Lending Act. On January 30, 2012, Plaintiff filed a Financial Affidavit – CJA 23, and the Court granted Plaintiff's motion to proceed in forma pauperis on April 4, 2012.¹ However, upon further review of Plaintiff's Financial Affidavit, the undersigned noted that the affidavit was deficient in that Plaintiff did not fully and completely answer all of the questions. Therefore, the Court ordered the Clerk of the Court to forward a new Financial Affidavit – CJA 23 to Plaintiff and ordered the Plaintiff to fully complete the form and return it to the Court or pay the filing fee no later than June 1, 2012. The Court further stated that "failure to comply with this Order will result in revocation of

¹ The Complaint was originally filed by Plaintiff and her husband, Kenneth Beck. However, after the Court ordered the Plaintiffs to submit separate motions and financial affidavits, only Plaintiff Norma Beck complied with the order. Therefore, the Court dismissed Kenneth Beck from the action and ordered the Clerk to issue process on the complaint for Norma Beck only. (Mem. and Order of 4/4/12, ECF No. 10)

Plaintiff's IFP status or dismissal of her claims." (Order of 5/15/12, ECF No. 21)

Instead of complying with that Order, the Plaintiff filed a Motion for Leave to File New and Material Evidence on May 31, 2012. However, because Plaintiff has failed to follow the directives of this Court or otherwise satisfactorily demonstrate that she is entitled to proceed without payment of the filing fee, the Court will revoke Plaintiff's IFP status and set aside the Order of April 4, 2012. The Court will also deny Plaintiff's motion to file additional evidence at this time. Should Plaintiff pay the filing fee and pursue her cause of action, she is free to re-file the motion.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File New and Material Evidence [Doc. #22] is **DENIED**, consistent with this Memorandum and Order.

IT IS FURTHER ORDERED that Plaintiff's IFP status is **REVOKED** and the Order of April 4, 2012, granting the motion to proceed in forma pauperis is **SET ASIDE**.

IT IS FINALLY ORDERED that Plaintiff shall pay the filing fee no later than **June 21, 2012**. Failure to comply with this Memorandum and Order will result in dismissal of Plaintiff's complaint without prejudice.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 6th day of June, 2012.